

**191.09 INVESTIGATIVE POWERS OF THE
COMMISSIONER OF TAXATION; PENALTY FOR
DIVULGING CONFIDENTIAL INFORMATION.**

(a) The Commissioner of Taxation, or any authorized employee, is hereby authorized to examine the books, papers, records and federal income tax returns of any employer or of any taxpayer or person subject to the City income tax for the purpose of verifying the accuracy of any return made, or if no return was made, to ascertain the tax due under this Chapter. Every such employer, supposed employer, taxpayer or supposed taxpayer and pass-through entity is hereby directed and required to furnish, upon written request by the Commissioner of Taxation or the Commissioner's duly authorized agent or employee, the means, facilities and opportunity for making such examinations and investigations as are hereby authorized.

(b) The Commissioner of Taxation is hereby authorized to order any person to appear at the office of the Commissioner of Taxation and examine any person, under oath, concerning any income which was or should have been returned for taxation or any transaction tending to affect such income, and for this purpose may compel the production of books, papers, records and federal income tax returns and the attendance of all persons before the Commissioner, whether as parties or witnesses, whenever he believes such persons have knowledge of such income or information pertinent to such inquiry.

(c) The refusal to produce books, papers, records and federal income tax returns, or the refusal of such examination by any employer, pass-through entity or person subject or presumed to be subject to the tax or by any officer, agent or employee of a person subject to a tax or required to withhold tax or the failure of any person to comply with the provisions of this Section or with an order of subpoena of the Commissioner of Taxation authorized

hereby shall be deemed a violation of this Chapter, punishable as provided in Section 191.12.

(d) Any information gained as the result of any returns, investigations, hearings or verifications required or authorized by this Chapter shall be confidential, except for official purposes, or except in accordance with proper judicial order. Any person divulging such information in violation of this Chapter is guilty of a misdemeanor of the first degree. (Ord. 03-46. Passed 8-4-03.)